

# Safeguarding Civil Rights

## AG Targeted Discrimination in Housing, Employment, Public Facilities; Settlements Brought Deaf Captioning, DVS for the Blind to Movie Theaters;

### Housing Discrimination Suits

In 2004 the Attorney General's Office, through its Division on Civil Rights (DCR), settled four separate "Section 8" housing discrimination cases involving New Jersey landlords and real estate professionals. The four Respondents who agreed to settle included: Atlantic Coast Realty of Brigantine, Clinton Manor Associates LLC, owner of Clinton Manor, Clinton, 599 Broadway Management, owner of Broadway Towers, Paterson, and Garden State Realty, East Orange.

Filed in 2003, the original complaints were the first brought under a new State law, drafted by the Attorney General's Office, that

prohibits housing discrimination by landlords on the basis of a tenant's source of lawful income, or rental subsidy. As a result of the four settlements, New Jersey was paid approximately \$80,000 that will be used to further the cause of civil rights. Just as importantly, the settlements required each Respondent to sponsor training on the New Jersey Law Against Discrimination (LAD) for employees, and to prominently display information on the use of federal Section 8 rental assistance vouchers.

In another important housing case, DCR reached a settlement with the owners of the Highgate Apartments in Ewing, Mercer County. Originally prosecuted after white

and black "testers" from the Division on Civil Rights received allegedly disparate treatment when inquiring about available housing, owners Eastgate-Highgate Associates agreed to pay the State \$25,000 in investigative and monitoring costs, to submit to State monitoring of rental practices, and to sponsor training for employees on the LAD in general, and housing discrimination in particular.

### Employment/Public Accommodation Suits

The Attorney General's Office and the Division on Civil Rights also took these actions regarding employment discrimination:

- ❖ **Reached settlement with a Morris County car dealership, Route 23 Honda of Pompton Plains, concerning allegations that a Hispanic management employee was discriminated against because of his ethnicity.** Under terms of the settlement, the dealership agreed to have management staff undergo anti-discrimination training.
- ❖ **Civilly prosecuted the former Le Terrace Swim Club in Nutley, Essex County, for discriminating on the basis of race and/or ethnicity by advising members that it is a "Europeans only" club,** and informing one member who wanted to invite certain children to her daughter's birthday party that those child guests would not be welcome at the club because of their race and/or ethnicity. The club denied all charges. However, the former owner entered into a settlement agreement requiring that the club pay the State \$15,000, provide the DCR with a list of all membership applications it received, report the final disposition of every application, provide an explanation for each rejection and have all paid and unpaid staff undergo annual training by the DCR. Following the settlement with DCR, LeTerrace closed down and the business was sold.

**Housing Discrimination is Illegal**

Here is How the State of New Jersey is Working to Stop Illegal Housing Discrimination

**Stronger, More Comprehensive Housing Laws**  
In September 2003, Governor James E. McGreevey signed into law a new housing bill making it illegal to discriminate against individuals based on their use of federal rental assistance vouchers and/or other lawful sources of income. Armed with this new law, the NJ Division on Civil Rights filed complaints against realty companies and apartment complexes in several counties, for allegedly refusing to rent or show housing units to applicants who intended to pay using federal "Section 8" rental assistance vouchers. New Jersey also enacted amendments to the state anti-discrimination statute to ensure that its protections are as broad as those in federal law.

**Stronger Monitoring of Housing Rental Activity**  
New Jersey regulations require that all owners of complexes with 25 or more apartments must annually file reports with the state with important information about their tenants and applicants listed the Multiple Dwelling Reporting Rule, or "MDRR", to help monitor housing trends and diversity in apartment buildings. In February 2003, the state's Division on Civil Rights filed lawsuits against 163 landlords alleging violations of the state's MDRR regulations.

**New Specialized Housing Investigations Unit Has Been Established**  
Armed with stronger laws signed by Governor McGreevey over the past year, through Attorney General Peter C. Harvey's prioritization of housing discrimination prosecution, the NJ Division on Civil Rights has established its first-ever Housing/MDRR Special Investigations Unit, which is charged with aggressive investigation of housing discrimination complaints.

**Continued Enforcement of State Law and Education of the Public**  
Through a variety of outreach strategies including training programs, seminars and publications, the NJ Division on Civil Rights is continuing its effort to combat housing discrimination.

Call the NJ Division on Civil Rights At:  
(609)405-3050 (toll free)  
(609)292-7785 (TTY)

Visit our Web site at:  
[www.NJCivilRights.org](http://www.NJCivilRights.org)

Division on CIVIL RIGHTS

*A movie-goer watches the hit film "The Incredibles" in a theater using Rear Window® Captioning technology. In Rear Window® Captioning, movie dialogue is projected from a location behind the audience, and can be read by individual viewers using a reflector device that fits into the cup holder of their seats.*



❖ **Civilly prosecuted the owner-operator of the Off Shore Motel in Rio Grande, Cape May County, for discriminating against a legally blind traveler by refusing accommodations to him and his specially-trained and registered guide dog.**

DCR issued a Finding of Probable Cause in the case in October 2003. The case was ultimately resolved through the Conciliation process, with the blind individual receiving a \$5,000 settlement payment. DCR received \$2,000 as part of the settlement, which went to cover legal and administrative costs, as well as to fund training on the use of guide dogs.

❖ **Enhancing access to public facilities for persons with disabilities.** For example, working with the Attorney General's Division of Elections, the DCR launched an effort to inspect polling locations throughout the State to ensure they are 100 percent accessible to disabled voters. In addition, the DCR hosted two public forums in 2004 — one in Camden County, one in Essex County — dedicated to exploring the rights and the concerns of those who are deaf and hard of hearing.

## Movie Theater Initiative

**Chinatown. In the Heat of the Night. Spiderman. Lord of the Rings. Star Wars.**

Throughout their history, first-run movies — and the excitement of seeing them in a theater setting — have remained a unique shared reference point in American culture.

According to the most recent United States census, there are about 243,000 visually impaired persons living in New Jersey and approximately 39,000 persons who are legally blind. About 9 percent of the State's 8-million-plus residents have some degree of hearing loss. However, these disabilities need not prevent anyone from enjoying a first-run movie in a neighborhood theater.

In 2004, the Attorney General's Office and the Division on Civil Rights spearheaded a legal initiative that helped ensure that persons

with disabilities would have the same opportunity to enjoy first-run movies as everyone else.

Through settlement agreements with four major theater chains — American Multi-Cinema (AMC), Loews Cineplex Theaters, Clearview Cinemas and National Amusements — the State brought cutting-edge deaf captioning technology to multiplex theater screens across New Jersey. In addition, AMC, Clearview and National Amusements agreed to install technology that enables the blind and visually impaired to better follow the action of a movie through special narration provided via audio headset.

As a result, New Jersey went from having three screens that offered new captioning technology for the deaf and hard of hearing to 38 screens — more than any other state.

At the same time, AMC, Clearview and National Amusements agreed to install a technology to accommodate the blind and visually-impaired known as DVS® (Descriptive Video Service) Technology.

Meanwhile, the Attorney General's Office filed suit against the Tennessee-based Regal Cinemas theater chain after Regal declined to install either deaf captioning technology or systems to accommodate the blind in its New Jersey multiplexes. The complaint charged Regal with violating the Law Against Discrimination. As of this writing, the Regal matter remains in mediation.

In each case, the four participating theater chains chose a form of closed captioning known as Rear Window® Captioning. However, the Attorney General's Office made plain that it viewed either Rear Window® Captioning or another approach, known as

Open Caption Projection, as "reasonable" accommodations for the deaf and hard of hearing, and had no preference.

Regal, meanwhile, declined to install DVS®. Regal also refused to install Rear Window® Captioning or Open Caption Projection to accommodate the deaf, apparently preferring a form of captioning known commonly as ordinary "open captioning."

"Despite the power of movies to entertain us, inspire us, and connect us as human beings, the movie-going experience has remained difficult to access for a significant population — millions of people in the United States who are deaf or hard of hearing, blind or visually impaired," said Attorney General Harvey. "In New Jersey, we are now changing that forever."